



Community Development
39550 Liberty Street
Fremont, CA 94538

ZONING ADMINISTRATOR



General Order of Business

1. Preliminary (Call to Order – 2:00 p.m.)
2. Public Hearing Items
3. Adjournment

Addressing the Zoning Administrator

Any member of the public may speak on any item under review by the Zoning Administrator after “being recognized” by the Zoning Administrator. After the Zoning Administrator recognizes you, state your name and address. Generally, after the item is introduced, the order of presentation begins with staff introduction and presentation. The project applicant or their authorized representative may then comment. Next, interested members of the public may speak. Additional comments by the applicant or staff, as appropriate, may follow. At the close of testimony, the matter will return to the Zoning Administrator for discussion and action.

General Information

The Zoning Administrator usually holds hearings on the first and third Mondays of each month, except September (9/15 only). Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the Planning Division (510) 494-4440.

Plans and other supporting documents are available at the Development Services Center at 39550 Liberty Street (between Stevenson Boulevard and Walnut Avenue). Plans and other supporting documents may be viewed any day until noon the day of the meeting. Copies will be provided at cost when feasible. The Development Services Center is open 8:00 a.m. to 4:00 p.m., Mondays through Thursdays; and 8:00 a.m. to 12:00 p.m., Fridays.

We appreciate your interest in the conduct of your City’s business. Information about the City or the items discussed in this report may be referred to:

Zoning Administrator
City of Fremont
Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Telephone: 510-494-4440

City Staff
Barbara Meerjans, Zoning Administrator

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**AGENDA
ZONING ADMINISTRATOR PUBLIC HEARING MEETING 2:00 P.M.
CITY OF FREMONT, CALIFORNIA
39550 LIBERTY STREET
RANCHO HIGUERA CONFERENCE ROOM**

May 18, 2009

1. PRELIMINARY

1.1 CALL TO ORDER

2. CONSENT CALENDAR - NONE

NOTICE: ITEMS ON THE PUBLIC HEARING CALENDAR MAY BE MOVED TO THE CONSENT CALENDAR IF NO ONE IS PRESENT TO SPEAK ON THE ITEMS. ALL APPLICANTS AND INTERESTED PERSONS ARE ADVISED TO BE PRESENT AT THE START OF THE MEETING.

3. PUBLIC HEARING ITEMS

Item 1. AUTO MALL INDUSTRIAL CONDOS – 4500 AUTO MALL PARKWAY – (PLN2009-00095) – to consider a Zoning Administrator Permit and Tentative Parcel Map (TPM-9838) to convert an existing industrial building into a six-unit industrial condominium with one common lot for property located in the Industrial Planning Area. This project is categorically exempt from the California Environmental Quality Act (CEQA) per Guideline 15301, Existing Facilities.
Project Planner – Terry Wong, (510) 494-4456, twong@fremont.gov

Recommended Action: Approve based on findings and subject to conditions.

Item 2. PRINCE OF PEACE SCHOOL ADDITION – 38451 FREMONT BOULEVARD – (PLN2009-00201) – to consider a Zoning Administrator Permit Amendment to Use Permit (UA-81-3) to add 1,000 square feet to an existing school building located in the Centerville Planning area. This project is categorically exempt from the California Environmental Quality Act (CEQA) per guideline 15303, New Construction or Conversion of Small Structures.
Project Planner – Spencer Shafsky, (510) 494-4452, sshafsky@fremont.gov

Recommended Action: Approve, based on findings and subject to conditions.

Item 3. CAR-CARS AUTO BROKER – 37422 GLENMOOR DRIVE – (PLN2009-00203)
– to consider a Zoning Administrator Use Permit for indoor automotive sales (Sec.8-21508) located in the Centerville Planning Area. This project is categorically exempt from the California Environmental Quality Act (CEQA) per Guideline 15301, Existing Facilities.

Project Planner – Tanu Jagtap, (510) 494-4537, tjagtap@fremont.gov

Recommended Action: Approve, based on findings and subject to conditions.

4. ADJOURNMENT



**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
MAY 18, 2009**

Project: AUTO MALL INDUSTRIAL CONDOMINIUMS - (PLN2009-00095)

Proposal: To considerer a Zoning Administrator Permit for a six-unit industrial condominium with one common lot on property within an existing building.

Recommendation: Approve based on findings and subject to conditions.

Location: 4500 Auto Mall Parkway in the Industrial Planning Area.
APNs 525-1327-44
(See aerial photo next page)

Area: 34,557 sq. ft. existing building on a 2.59-acre lot

People: Javier Rivas, Applicant and Owner
Kevin Martin of Kier and Wright, Engineer
Terry Wong, Staff Planner (510) 494-4456; twong@fremont.gov

Environmental Review: Categorically exempt per CEQA 15301 Class 1, Existing Facilities.

General Plan: Light Industrial

Zoning: P-2008-122

EXECUTIVE SUMMARY:

The applicant requests a Zoning Administrator Permit to convert one industrial building on a parcel of land located at 4500 Auto Mall Parkway, into a six-unit condominium with one common parcel occupied with parking stalls, driveway isles and landscaping. The applicant has submitted a Tentative Parcel Map (TPM-9838) to be approved pending the approval of the Zoning Administrator Permit. Staff recommends the Zoning Administrator approve the project.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES: North: Residential (Mobile Home Park)
 South: Industrial
 East: Industrial
 West: Industrial

BACKGROUND AND PREVIOUS ACTIONS:

The industrial building was constructed in 2002 as part of a six building industrial business park with joint access agreements on driveways and parking spaces that go from Auto Mall Parkway to South Grimmer Boulevard. All but one of the buildings has been constructed. The building is currently owner occupied by the applicant's business called Universal Floor Coverings, a retail and wholesaler of flooring materials that opened on the site in 2004.

PROJECT DESCRIPTION:

The proposal would create six industrial condominium units within a 34,557 square foot building on a 2.59 acre parcel. The industrial condominiums would range in size from approximately 3,000 to 10,800 square feet. A new 2,800 square foot mezzanine located near the center of the building will be the sixth condominium unit. In addition, a 768 square foot mezzanine would be built above Unit Five. To accommodate the added building square footage, 13 parking spaces will be added to the site (see parking section in this report).

The applicant has indicated his intent to retain his business in one of the newly created industrial condominiums. The applicant also states the changes to the building are minimal and include interior demising walls and the installation of additional store front doors and windows to provide access to the condominiums from the parking lot.

PROJECT ANALYSIS:

General Plan Conformance:

The General Plan Land Use designation for the building is Light Industrial. The property is zoned Planned District, P-2008-122, which allows a variety of light industrial uses which are generally oriented toward serving local businesses and residents and can operate in proximity to commercial and residential uses. In addition to permitting light industrial uses, the Planned District also allows several uses with a Conditional Use Permit such as: amusement and recreation services; apparel and accessory stores; banquet halls; concert halls; dinner theater; exhibition or conference halls; furniture and home furnishings and equipment; general merchandise; home improvement centers; motels and hotels; performing arts theater; religious facilities; and any other retail and assembly uses which the Planning Commission finds similar in nature, function and operation to conditional uses in the district. The conversion of an existing industrial facility into condominiums is permitted per Section 8-22135.1.

Zoning Regulations:

Condominiums and stock cooperatives may be allowed for commercial and industrial uses subject to a Zoning Administrator Permit, when conforming to special provisions set forth in the Zoning Ordinance, Fremont Municipal Code (FMC) Article 21.3 (Special Provisions Applying to Miscellaneous Uses), Section 8-22135.1. - Condominiums and stock cooperatives for commercial and industrial uses.

Parking:

The site contains 116 parking spaces, which provides one parking space per 300 square feet of existing building area. Because the two mezzanines are proposed to be built within the interior of the building, 13 parking spaces will be added to the site to accommodate the additional square footage. A row of parking stalls located within the existing parking lot will be lengthened. The applicant will increase the number of compact parking stalls by re-stripping some of the existing parking spaces. The conversion to office condominium ownership does not alter any restriction on use or development of the property, which are imposed by zoning district, P-2000-122, and the Fremont Municipal Code. Condition 3 will ensure that the purchasers of the condominium units are notified of this information through the incorporation of conditions into the CC&R's for the units.

- a. The site is suitable and adequate for the proposed use because it meets the requirements of the Zoning Ordinance, FMC Section 8-22135.1.
- b. A conversion to condominium ownership would not have any effect on existing traffic circulation, planned capacity of the street system or on other public facilities because the use of the site will remain the same. Any change in future uses shall be compatible with the available parking on the subject parcel.
- c. Condominium ownership of office uses have not been found to have an adverse economic effect on nearby uses because property ownership will likely encourage up-keep of the property.
- d. Industrial condominiums have not been found to have an adverse impact on the general welfare of persons residing within the community because the uses of the buildings are the same as they would be if they were not condominiums.
- e. The condominium conversion does not require or involve significant design modifications.
- f. Conversion of existing industrial uses within an existing structure on one parcel from single to condominium-type ownership is categorically exempt from environmental review under the CEQA Guidelines, Section 15301.
- g. The proposed project is consistent with the General Plan because the uses will be the same as what is currently allowed within Planned District, P-2008-122.

Circulation:

The proposed development is located on Auto Mall Parkway, which is categorized as an arterial street with full street improvements along the project's frontage. The property is accessed by three driveway entrances located along Auto Mall Parkway and one driveway entrance located along South Grimmer Boulevard.

Environmental Review:

This project is categorically exempt from the California Environmental Quality Act (CEQA) per Guideline 15301, existing facilities.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 275 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 4, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on May 4, 2009.

ENCLOSURES:

Exhibits:

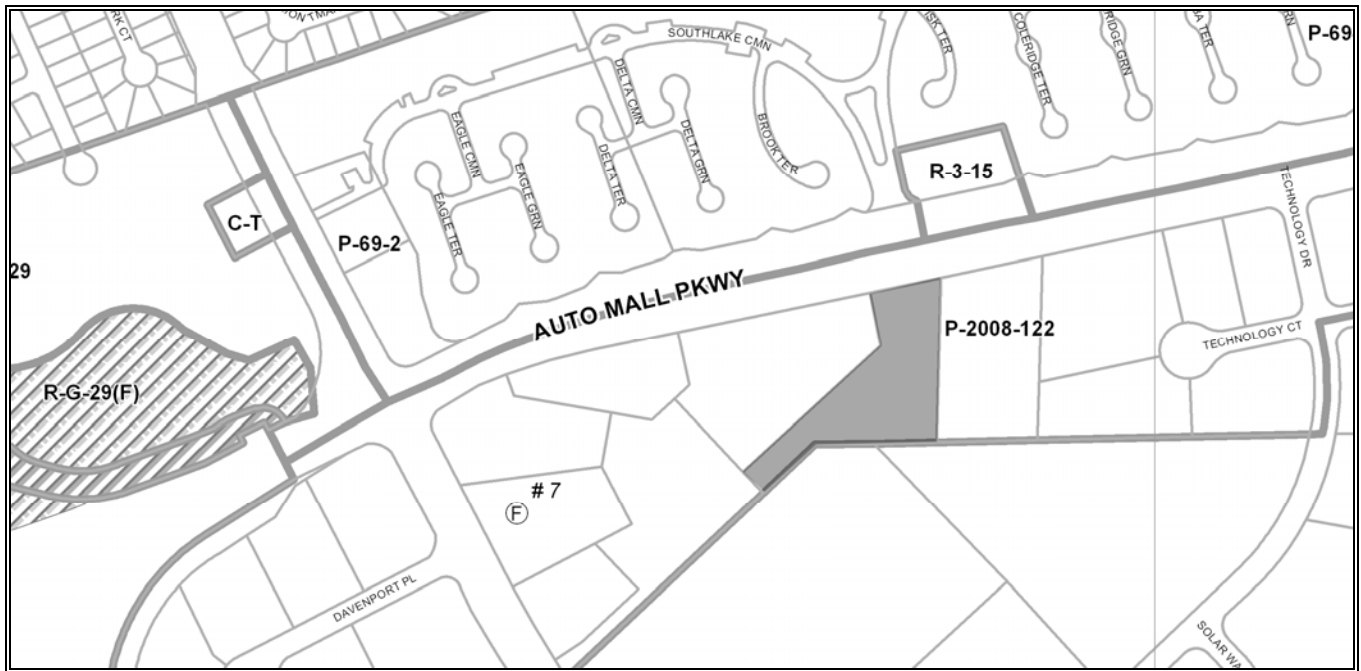
Exhibit "A" Site Plan and Floor Plan
Exhibit "B" Findings and Conditions

RECOMMENDATION:

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15301, Class 1 of the CEQA Guidelines because the buildings are existing and no change in the use is proposed.
3. Find PLN2009-00095, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve PLN2009-00095, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

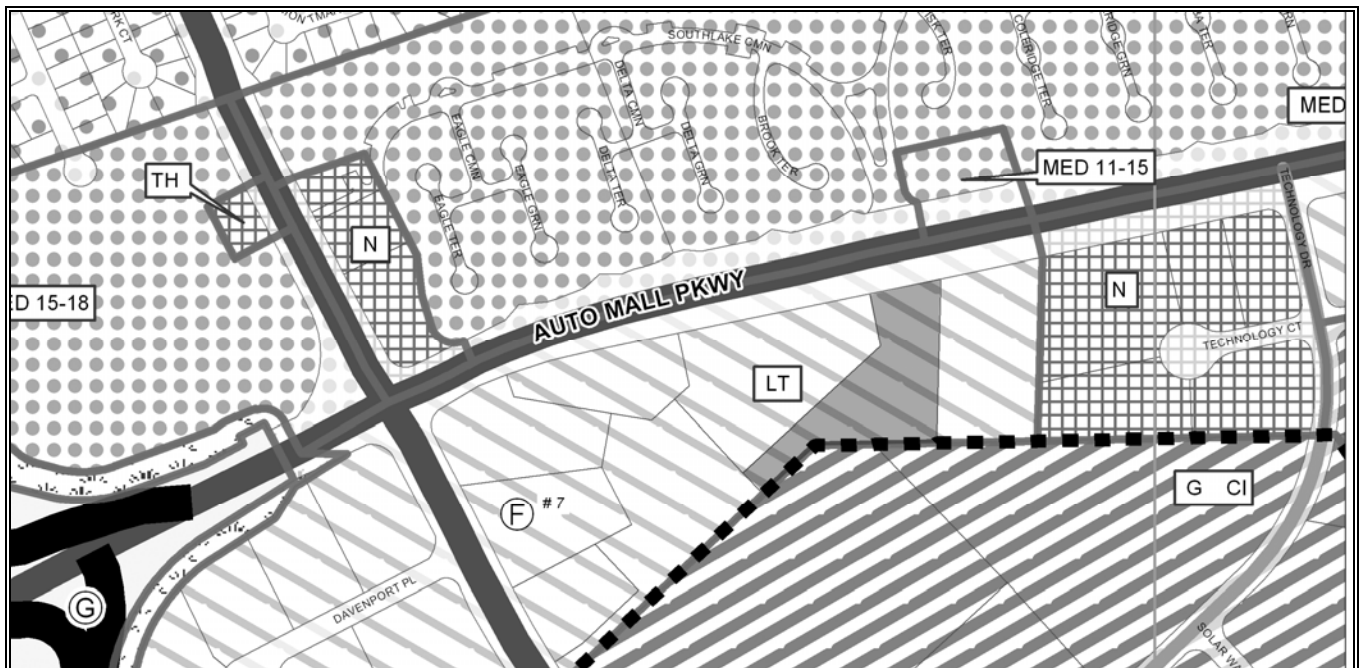


EXHIBIT “B”
Findings and Conditions of Approval
For PLN2009-00095, AUTO MALL INDUSTRIAL CONDOMINIUMS
ZONING ADMINISTRATOR PERMIT
4500 Auto Mall Parkway

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Zoning Administrator dated May 18, 2009, incorporated hereby.

Zoning Administrator Permit Findings:

- a. The proposed project is consistent with the General Plan because Light Industrial uses are permitted within the Planned District, P-2008-122.
- b. The site is suitable and adequate for the proposed use because it meets the requirements of the Zoning Ordinance, FMC Section 8-22135.1.
- c. A conversion to condominium ownership would not have any effect on existing traffic circulation, planned capacity of the street system or on other public facilities.
- d. Condominium ownership of office uses have not been found to have an adverse economic effect on nearby uses because property ownership will likely encourage up-keep of the property.
- e. Industrial condominiums have not been found to have an adverse impact on the general welfare of persons residing within the community because the uses of the buildings are the same as they would be if they were not condominiums.
- f. The proposed design is compatible with adjacent uses within the district and the surroundings of the proposal because little physical change to the property is proposed. The condominium conversion does not require or involve any design modifications.
- g. Conversion of existing office units within one structure from single to condominium-type ownership is categorically exempt from environmental review under the CEQA Guidelines, Section 15301.

CONDITIONS OF APPROVAL:

1. Conformance with Exhibit “A” (Site Plan) as annotated by staff.

Conditions to be completed prior to issuance of the Final Map and issuance of the Zoning Administrator Permit Certificate.

2. The applicant shall submit an application for a Final Parcel Map prior to sale of units as condominiums.
3. The uses allowed within the subject building are contained in zoning district P-2008-122.
4. A property owners’ association shall be established. It shall assume continual maintenance responsibility for all common areas, landscaping, trash enclosure area, plumbing, fire protection water system, wiring, utility charges and the exterior of buildings and grounds.
5. The Zoning Administrator Permit runs concurrently with the approval of Tentative Parcel Map 9838 and will expire if/when the tentative map expires.
6. All electrical and mechanical equipment shall conform to the City’s codes in effect at the time of approval of the project.
7. The interior and exterior sound transmission standards shall be those in effect at the time of project approval, pursuant to the Housing Code (Title 25, California Administrative Code) and Chapter 1 of Title VIII (Subdivision Ordinance) of the Fremont Municipal Code.
8. All permanent mechanical equipment, which the Chief Building Official determines to be a source of vibration or noise, shall be shock-mounted and isolated from the floor and ceiling to minimize the transmission of vibration and noise.
9. Compliance with the following fire safety requirements is required prior to approval of the project.
 - Addresses shall be visible from the public street.
 - Building Fire Sprinkler Systems shall have current Title 19—5 year certification.
 - Provide fire department lock boxes/padlocks for the building.
10. A Zoning Administrator Permit will be issued upon satisfactory completion of all conditions of approval herein and all requirements of the Engineering, Building and Safety and Fire Departments have been met.
11. The applicant shall meet all requirements in the 2007 California Fire Code and local Ordinance #32-2007 and the Fremont Municipal Code.
12. The applicant shall have monitored fire alarm system as required. The system must be N.F.P.A. 72 and local ordinance compliant. A nationally recognized testing laboratory numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety department.

Fire alarm systems alarms, supervisory and trouble signals shall be distinctly and descriptively different per The City of Fremont Fire Alarm Standard.

13. Fire sprinkler densities will be required as follows unless otherwise determined by occupancy classification:
 - a. Roof heights 20 ft or less provide a .33gpm/3,000 sq ft
 - b. Roof heights over 20 ft and up to 30 ft provide a .495/3,000 sq ft.
 - c. Roof heights over 30 ft provide a .6 gpm/3,000 sq ft.
14. The applicant shall provide outside access to the sprinkler risers and fire alarm control unit.
15. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit/business license application.
16. The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knoxlock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont, CA, phone # 510-494-4200.
17. Building address to be plainly legible and visible from the public street. These numbers shall contrast with their background.
18. Fire Department driveway access serving dwelling/structures 30 ft or less in height shall have a minimum 20 foot unobstructed linear width. A Fire Department driveway access serving dwelling/structures over 30 ft in height shall have a minimum 26 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access road shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. The applicant shall provide red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.
19. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
20. The portion of the facility to be converted to another use shall be free of any reported hazardous materials and properly closed with the local agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
21. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or

other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

On-going Conditions of Approval.

22. Conditions 22 through 27 herein shall be incorporated into the declaration containing Conditions, Covenants and Restrictions (CC&R's) for the units. Once the declaration is accepted in final form by the Zoning Administrator and City Attorney, none of the portions of the declaration shall be amended, modified or changed without first obtaining the written consent of the Zoning Administrator and all of which shall contain, at the end of each such provision, a statement to that effect.
23. The property owners association is to covenant and be responsible for the maintenance of the all common facilities on the site, including landscaping, trash enclosure areas, parking areas, etc.
24. The provisions of Article 20 of the Fremont Municipal Code relating to off-street parking and loading shall be met.
25. The parking spaces shall be utilized as assigned by the CC&R's. The property owner's association may reassign parking spaces if it is agreed upon by all property owners. No use that would be required by the City to provide more parking than what is currently assigned shall locate on the property, unless assignments are changed and all the units' parking requirements are met by the new assignment.
26. Central refuse collection facilities shall be provided in accordance with the Zoning Ordinance, FMC Section 8-22155. The maintenance of such facilities and the payment of refuse collection fees shall be the responsibility of the property owner's association.
27. Tenant improvements within the units shall be subject to the requirements of the Building Code and the City's Plans and Permits division. Prior to the occupancy of a new business on the subject site, the condominium unit owner or business owner must check with the City's Plans and Permits division to determine if any new use or occupancy standards will apply.
28. Garbage and recycling requirements are explained in the City of Fremont *Waste Handling Guidelines* document. Applicant will be responsible for incorporating these guidelines into the project. This information is available on the City's website at: www.fremont.gov/Construction/SolidWasteRegulations/default.htm.
29. Applicant must subscribe and maintain weekly municipal solid waste (MSW) collection service with Allied Waste Services (AWS) prior to issuance of ZA permit. This is a mandatory requirement of the Fremont Municipal Code. Tenants and owners must be advised of the mandatory garbage requirement in the CC&R's. If there will be a property manager, or property management company, that entity may subscribe to garbage service for the building/complex. If there is no property manager, each individual owner must subscribe to garbage service.

30. Applicant must ensure adequate, accessible and convenient areas for collecting and loading of materials by the garbage and recycling trucks. There appears to be sufficient room for garbage collection vehicles to turn around or drive through on the drive paths.

Demolition/Construction Stage:

31. This project will generate debris that must be recycled, including scrap metal, wood, and asphalt/concrete. 100% of the asphalt/concrete must be reused or recycled, and at least 50% of the remaining debris generated from the project must be reused or recycled. The applicant must submit a City of Fremont *Waste Handling Plan* prior to beginning any construction. The *Waste Handling Plan* must be approved by Environmental Services before permits are issued. Applicant should review the *Builders' Guide to Reuse & Recycling* booklet to help identify potential service providers and recycling facilities.
<http://www.stopwaste.org/docs/buildersguide-05.pdf>
32. The applicant may contract with any recycling company licensed to do business in Fremont for salvage or recycling of separated construction materials. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
33. During construction, the applicant and contractor must ensure that trash (non-recyclable construction and demolition debris) is removed from the site during construction per the Fremont Municipal Code, by one or more of the following methods (FMC IV, Ch 2, 4-2300):
- a. Contacting the City's franchised waste hauler, Allied Waste Services, to arrange for use of debris box containers for all municipal solid waste to be landfilled;
 - b. Removal from the premises by the construction or demolition contractor, using their own equipment and vehicles, as part of a total construction, remodeling or demolition service offered by that contractor.
34. Plant and tree debris must not be mixed with other waste. Plant and tree debris must be chipped on site or taken to a grinding/composting or fuel facility. It is now illegal to dispose of plant debris in Alameda County landfills.
35. Within 30 days of completion of the work, the applicant must file a *Waste Disposal & Diversion Report* documenting actual diversion and disposal of construction and demolition debris, along with the disposal receipts or weight tags. Copies of the *Waste Handling Plan* and the *Waste Disposal & Diversion Report* forms are attached in the Waste Handling Guidelines document.

Occupancy Stage:

36. The City strongly encourages the applicant to search for a vendor that can reuse or recycle the flooring materials. A list of various companies will be provided for the applicant to contact, since their current vendor is no longer able to collect the material.
37. Recyclables collection at commercial properties operates in a competitive environment and is open to any vendor authorized to do business in the City of Fremont.

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**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
MAY 18, 2009**

Project: **PRINCE OF PEACE SCHOOL - (PLN2009-00201)**

Proposal: To consider a Zoning Administrator Permit Amendment for the expansion of the existing elementary school building.

Recommendation: Approve, based on findings and subject to conditions.

Location: 38451 Fremont Boulevard in the Centerville planning area.
APN 501-0760-008-03
(See aerial photo next page)

Area: The existing classroom building one, which is approximately 6,400 square feet in area, and the existing gymnasium building, which is approximately 6,700 square feet in area, are located on a 2.46 acre parcel. The proposed 737 square foot addition to classroom building one will create a total of 7,137 square feet. The proposed 300 square foot addition to the gymnasium will create a total of 7,000 square feet. The proposed additions to classroom building two and the chapel are interior remodeling and no additional square footage is proposed.

People: Paul Hodnett, Applicant and Owner

Spencer Shafsky, Staff Planner (510) 494-4452; sshafsky@fremont.gov

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303, New Construction or Conversion of Small Structures.

General Plan: Commercial Thoroughfare

Zoning: C-T (CSPC) Thoroughfare Commercial with a Centerville Specific Plan Overlay

EXECUTIVE SUMMARY:

The Prince of Peace Lutheran Church has submitted an application for a Zoning Administrator Permit Amendment to add an additional 737 square feet to classroom building one, 300 square feet to the gymnasium building and remodel portions of classroom building two and the chapel/multipurpose building. The purpose of the renovations is to accommodate an additional 40 students, as well as improve the existing boys and girls restrooms and locker rooms.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.

SURROUNDING LAND USES:

- North: Medium-density Residential
- South: Thoroughfare Commercial
- East: Washington High School
- West: Low-density Residential

BACKGROUND AND PREVIOUS ACTIONS:

The church began in 1955 and the school operation dates from 1957. A Zoning Administrator Permit (UA-83-1) for a parish hall and a gymnasium addition was approved on April 9th, 1981. A Zoning Administrator Permit (UA-81-3A) was approved in 1993 for the addition of a modular classroom. A Conditional Use Permit Amendment (PLN2004-00135) was approved on June 10th, 2004 to convert the parish house to a preschool/daycare center for 47 children. A Conditional Use Permit Amendment (PLN2008-00303) was approved on September 12th, 2008 for an addition to the preschool for an additional 37 children.

PROJECT DESCRIPTION:

The applicant proposes to add an additional 737 square feet to classroom building one for a new classroom and restrooms and to remove the existing restrooms and janitor's closet from classroom building two and convert the space to a classroom. This will accommodate an additional 40 students. The chapel/multipurpose building is proposed to be remodeled with no exterior changes. The applicant is proposing a 300 square foot addition in the breezeway of the gymnasium building for a new boys' locker room.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Thoroughfare Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site though the use is not specifically listed under the land use designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

PUBLIC FACILITIES (PF) GOAL 2: Support the Fremont Unified School District and other educational institutions to provide quality education to the children and adults of Fremont

Analysis: This project expands an existing elementary school enabling it to provide quality education to the children of Fremont.

Zoning Regulations:

As set forth in Section 8-21304(g) of the Fremont Municipal Code (FMC), Quasi public uses are allowed in the C-T district subject to a Zoning Administrator Permit. Quasi public uses include religious institutions and schools.

Parking:

This project meets all of the parking requirements. Sec. 8-22003(b)(2)g.1 of the Fremont Municipal Code states that the parking requirement for elementary and junior high schools is one per employee. The school currently has 30 employees. The current parking lot has 102 standard parking spaces and 62 compact parking spaces.

Design Analysis:***Architecture:***

The existing elementary school and church buildings are white in color with a stucco and wood exterior. The proposed addition will match the existing buildings in design, materials and color.

Circulation:

The proposed development is located on Fremont Boulevard, which is an arterial street with full street improvements along the project's frontage. Prince of Peace has an existing traffic plan for the school which is adequate for the proposed project.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. This project is located within sub-area 11 of the Centerville Specific Plan. However, it is not subject to Centerville Specific Plan fees as it is considered a minor addition to an existing use.

Environmental Review:

This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303, New Construction or Conversion of Small Structures.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 104 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 6, 2009. A Public Hearing Notice was published by *The Tri City Voice* on May 6, 2009.

ENCLOSURES:

Exhibits:

Exhibit "A" Site Plan, Floor Plans, Elevations
Exhibit "B" Findings and Conditions

Informational:

Informational 1: Project Scope of Work

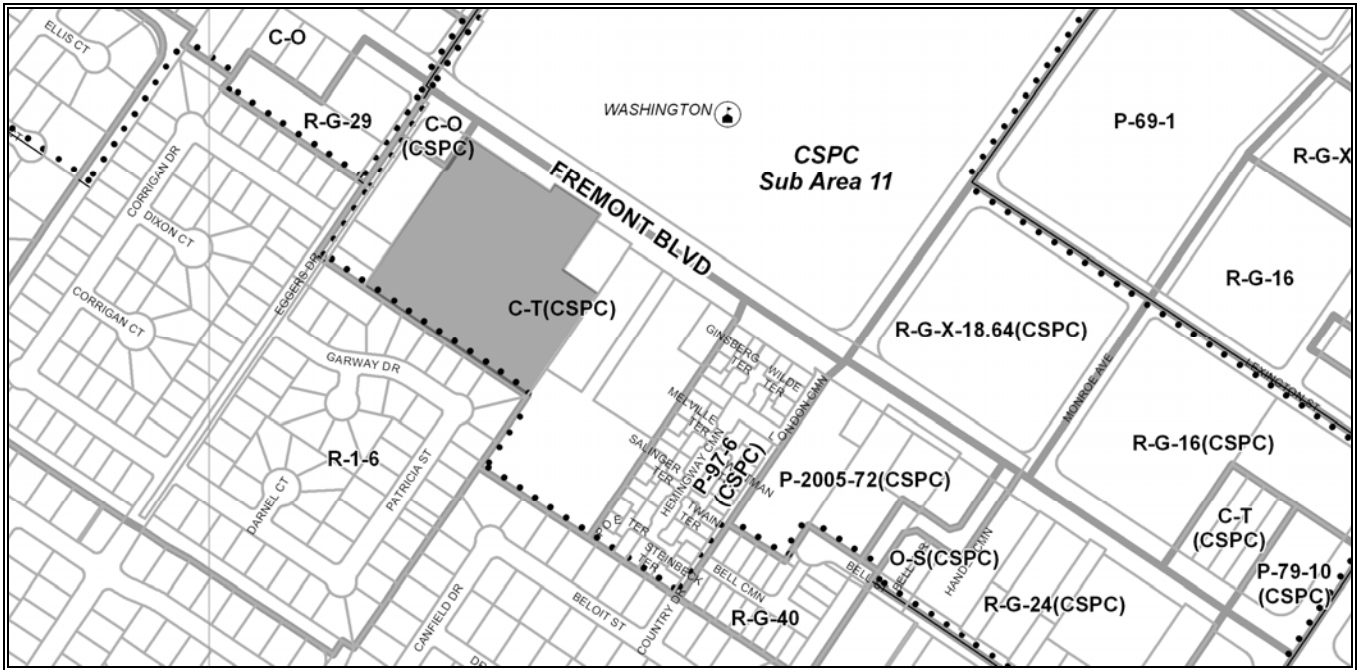
RECOMMENDATION:

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15303 New Construction or Conversion of Small Structures.

3. Find that this Zoning Administrator Permit Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Public Facilities Chapter as enumerated within the staff report.
4. Approve Zoning Administrator Permit Amendment PLN2009-00201, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

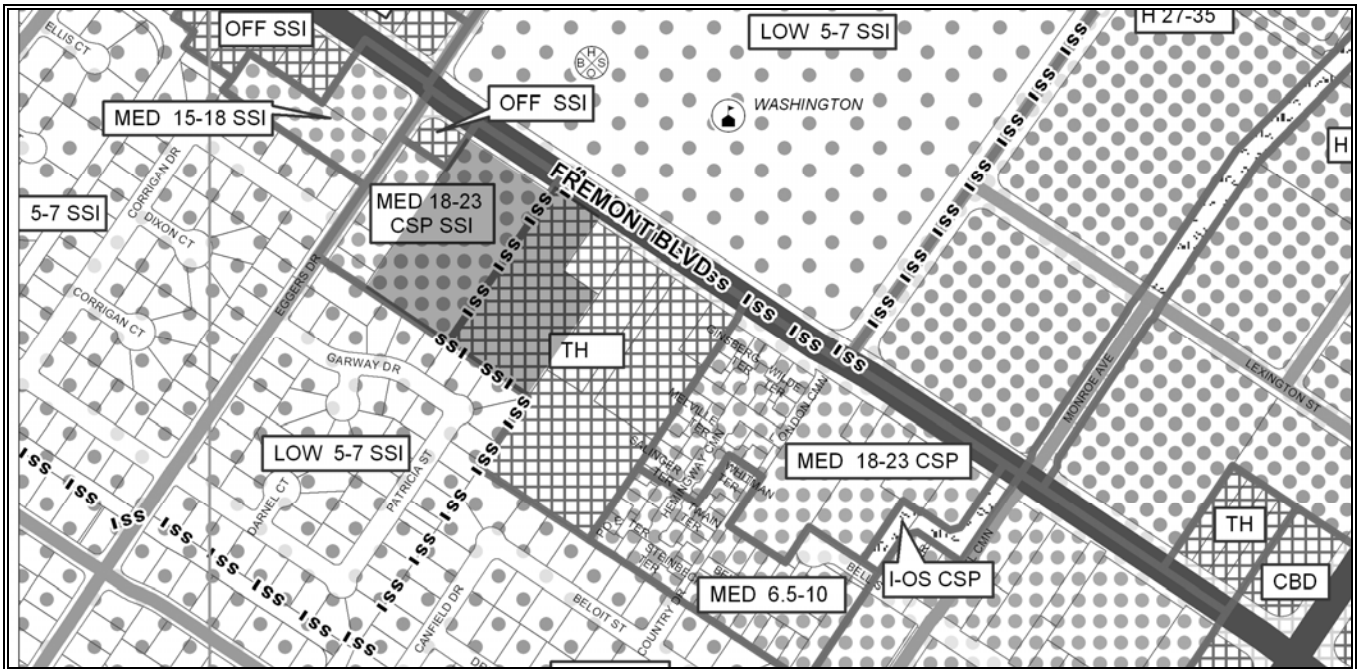


EXHIBIT “B”
Findings and Conditions of Approval
For PLN2009-00201, Prince of Peace Zoning Administrator Permit Amendment
38451 Fremont Boulevard

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Zoning Administrator dated May 18, 2009, incorporated hereby.

Zoning Administrator Permit Findings:

- a. The proposed use is consistent with the general plan because it provides education to the children of Fremont;
- b. The site is suitable and adequate for the proposed use because this is an addition to an existing school, it is not displacing areas already designated for children, it is adding to them.
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the proposed project would increase the weekday volume on Fremont Boulevard by 179 trips or .65% and the PM peak hour volume by 33 trips or 1.43%. Based on the low increase of trips generated by the project, the estimated net new peak hour trips is well below the 100 peak hour trip threshold for a traffic study, the proposed school addition is anticipated to have no significant impact to the surrounding roadway network.
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because while the site is near an existing school, there is such a great need in this city for quality elementary education services that this elementary school will meet a portion of a bigger need.
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the applicants goal is to provide the elementary school for the benefit of their congregation's and their preschool patron's children. It is only expanding the current school's use by 40 children.
- f. The proposed design is compatible with adjacent uses within the district and the surroundings of the proposal because it is designed to match the existing buildings.

CONDITIONS OF APPROVAL:

- A-1. The Prince of Peace elementary school shall conform to Exhibit “A” (Site Plan and Elevations), and all other conditions of approval set forth herein. These conditions supersede conditions set forth in UA-81-3.
- A-2. Hours of operation shall be Monday through Friday from 8 a.m. to 3 p.m.

- A-3. The applicant must submit complete plans to the Development Organization (D.O.) for review and approval of the elementary school addition. The applicant shall recognize and must agree to any modifications that may be necessary for the final approval of the elementary school addition.
- A-4. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Fremont Municipal Codes in effect at the time of the building permit application.
- A-5. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by the City) conspicuously placed adjacent to the most visible right-of-way for the duration of the construction activity as follows:
 - a. Monday through Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed
- A-6. This Zoning Administrator Permit is subject to modification or revocation by the Zoning Administrator or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
 - c. The use had resulted in a substantial adverse impact on public facilities or services.

END OF CONDITIONS



**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
MAY 18, 2009**

Project: CAR-CARS AUTO BROKER – (PLN2009-00203)

Proposal: To consider a Zoning Administrator Permit to allow an auto broker for automotive sales, wholesale and indoor retail sales, for one vehicle.

Recommendation: Approve, based on findings and subject to conditions.

Location: 37422 Glenmoor Drive
APN 501 0551-031-02
(See aerial photo next page)

Area: 564 square foot unit within an existing Light Industrial complex on a 1.09 acre lot.

People: Donald Carothers, Applicant
Lachman S. Mangat, Fremont service Center, LLC, Owner
Tanu Jagtap, Staff Planner (510) 494-4537; tjagtap@fremont.gov

Environmental Review: The proposed project is categorically exempt under guideline 15301 of the California Environmental Quality Act as it relates to existing facilities.

General Plan: Light Industrial

Zoning: Light Industrial (I-L) District.

EXECUTIVE SUMMARY:

The applicant is requesting approval of a Zoning Administrator Permit to allow automotive sales for one vehicle, inside an existing 564 square foot warehouse spaces within a multi-tenant building. All sales will be conducted by appointment only. All vehicles that are for sale will be stored in the warehouse area at all times. The proposed hours of operations are from 8:00 a.m. to 8:00 p.m. seven days a week. No vehicle repair or car wash is being proposed. Staff recommends approval of the Zoning Administrator Permit subject to the conditions of approval.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Light Industrial
- South: Light Industrial
- East: Light Industrial
- West: Light Industrial

BACKGROUND AND PREVIOUS ACTIONS:

The building was built in the year 1980 and has been used for warehousing, automotive repair, medical device manufacturing, electronic parts manufacturing, facilities support management services and special trade contractors.

PROJECT DESCRIPTION:

The applicant requests approval to operate an indoor automotive sales business at the proposed location. He proposes to display one vehicle inside the warehouse area. Sales of the vehicles will be conducted inside the office area and only by appointment. For sale cars will not be displayed outside. The proposed hours of operations are from 8:00 a.m. to 8:00 p.m. seven days a week. There will be only one full time employee at this location. The subject property is leased within an existing 8,750 square foot multi-tenant building. No automotive repair or car wash is being proposed.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Light Industrial. The proposed project is consistent with the existing General Plan land use designation for the project site because even though this land use designation is reserved for industrial uses, other uses may be allowed subject to discretionary approval. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL F-9: A large, diversified industrial and commercial base to meet the employment needs of the City's present and future workforce.

Analysis: The proposed automotive sales use provides diversity to the industrial area to meet the employment needs of the City's present and future workforce.

Policy LU 3.2: The following list of allowed uses for each industrial designation is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of this Plan as described in the Goals and Objectives and other development policies. Residential uses are not allowed in any area designated for industrial land use.

Light Industrial: look at light industrial uses pg3-54 of general plan

Analysis: The proposed use location has a convenient access and is surrounded by automotive and commercial uses, hence making it compatible to existing uses at the proposed site and convenient to surrounding residents.

Zoning Regulations:

As set forth in Section 8-21508 of the Fremont Municipal Code (FMC), *Automotive Uses- Automotive sales, retail when use is indoor and sales by appointment or auction only* are allowed in the existing I-L; Light Industrial district subject to a Zoning Administrator Permit and in conformance with the applicable provisions including in Article 25.5.

The proposed use of the subject property as an *Automotive sales, retail, when use is indoor and sales by appointment or auction only*; would comply with the current zoning of the site, subject to the Zoning Administrator Permit.

Parking:

Per Section 8-22003(b)(2)(a) of the Fremont Municipal Code (FMC) requires one parking space for each three hundred square foot floor area. Since the subject property is 564 square feet in area with approximately 324 square feet of display area for the cars, two parking spaces are required. There are a total of twenty seven parking spaces, including handicapped spaces in this business park where the use is being proposed.

Traffic:

Based on ITE (Institute of Transportation engineers) Trip Generation Rate, the proposed use (Auto Sales) is estimated to generate 15 additional daily trips with the PM peak hour trips remaining the same at one when compared to the existing use (general light industrial). Central Avenue has an average daily volume of 12,158 vehicles resulting in a 0.12% weekday volume increase. Based on the estimated net project trips, the project would not have a significant traffic impact.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance or prior to issuance of the Zoning Administrator Permit Certificate if no building permit is required or sought.

Environmental Review:

The proposed project is categorically exempt under guideline 15301 of the California Environmental Quality Act as it related to existing facilities as the site is currently built and no external changes are proposed.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 128 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 05, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on May 05, 2009.

Staff did not receive any comments regarding the proposed project as a response to the mailed notices.

ENCLOSURES:

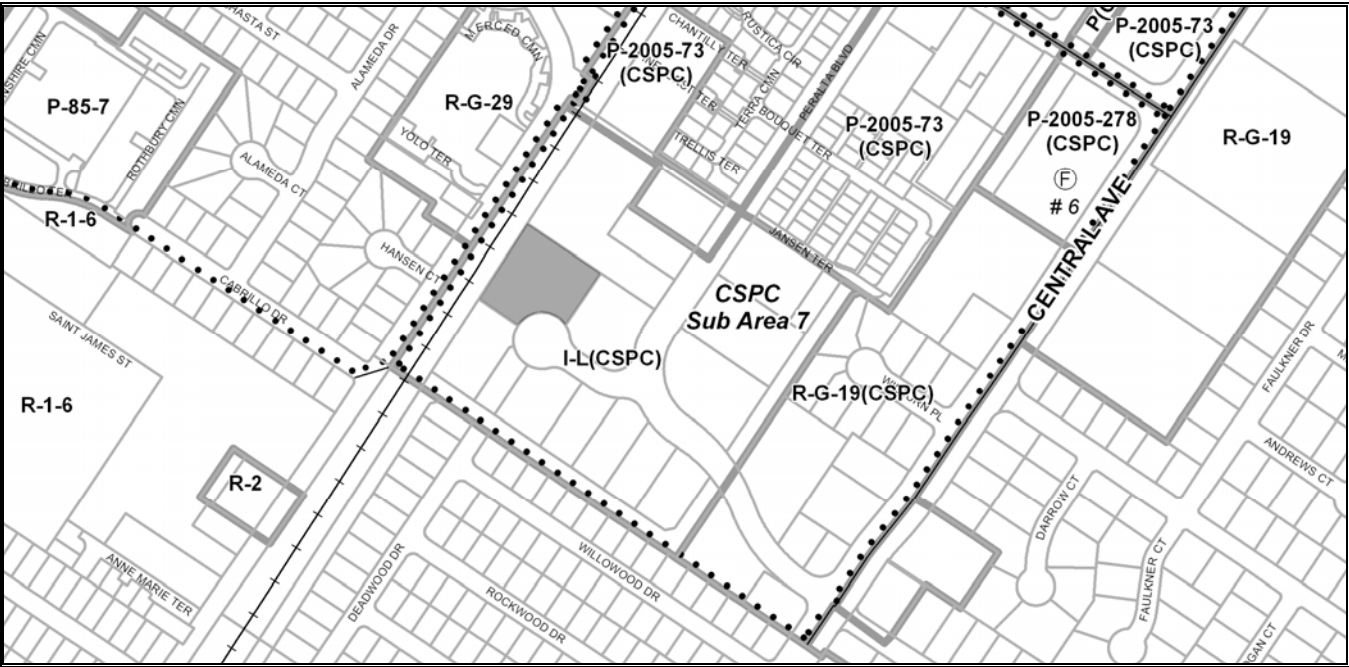
Exhibits:

Exhibit "A" Site Plan and Floor Plans
Exhibit "B" Findings and Conditions of Approval

RECOMMENDATION:

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under 15301 of the CEQA Guideline because it is an existing facility and no changes are being proposed.
3. Find PLN2009-00203 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve PLN2009-00203, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing General Plan Shaded Area represents the Project Site



Existing Zoning Shaded Area represents the Project Site

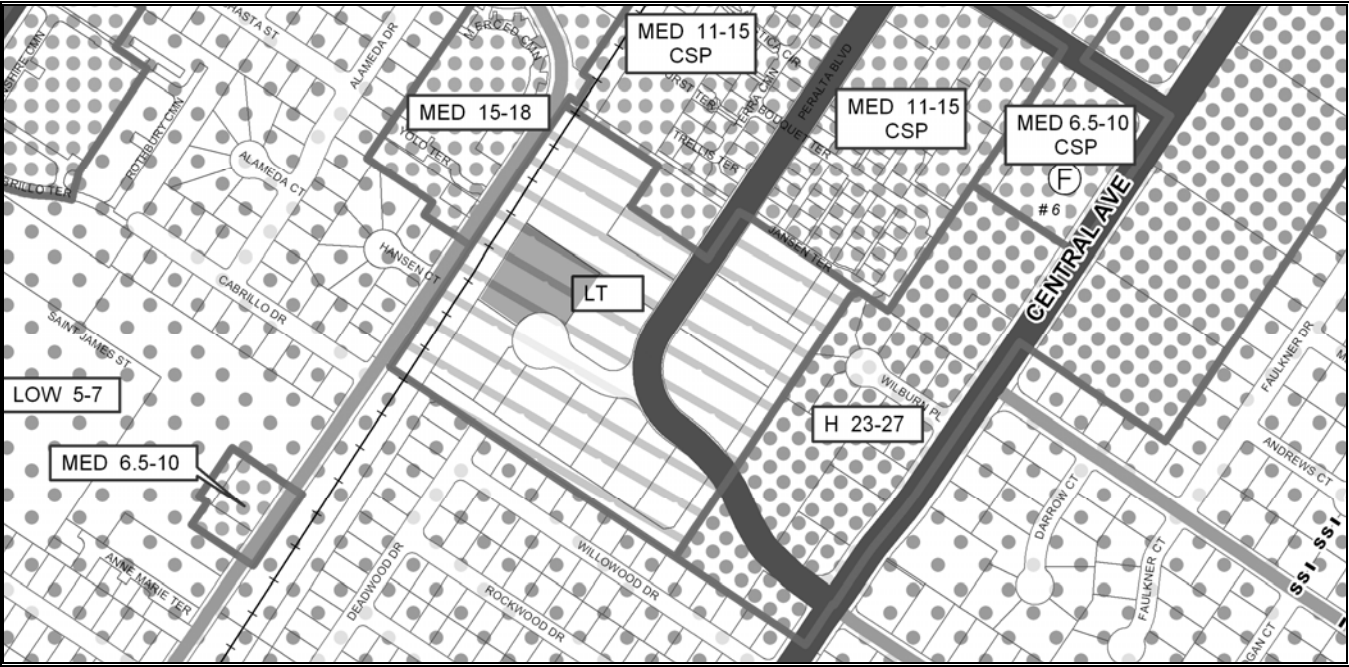


EXHIBIT “B”
Findings and Conditions of Approval
For PLN2008-00203, Car-Cars Auto Broker, Zoning Administrator Permit
37422 Glenmoor Drive

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Zoning Administrator dated May 18, 2009, incorporated hereby.

Zoning Administrator Permit Findings:

- a. The proposed use is consistent with the general plan because the indoor automotive sales contributes towards diversifying industrial and commercial base to meet the employment needs of the City’s present and future workforce and is consistent with Land Use Policy LU 3.2 in that automotive related uses could be allowed in a Light Industrial area subject to discretionary review;
- b. The site is suitable and adequate for the proposed use because the proposed use location and use of the facility is compatible with the surrounding area. There will be a maximum of one vehicle on display at any given time inside the warehouse area. No additional storage or display of vehicles for sale will be allowed;
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the proposed use is being proposed in an existing facility where points of ingress-egress are properly located and sufficient on-site parking is available;
- d. The proposed use would no have a substantial adverse economic effect on nearby uses because indoor automotive retail sales by appointment, in conformance with the zoning regulations, have not been found to have an adverse effect on nearby uses or on the general welfare of persons residing in the community;
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the indoor automotive sales is adequately located within the existing facility, on a developed site, which has been designed in a manner to be compatible with the surrounding land uses.

CONDITIONS OF APPROVAL:

General Conditions:

- A-1 The proposed use shall be operated in conformance with Exhibit “A” (Site Plan and Floor Plan).
- A-2 Any exterior signage shall comply with the provisions of Fremont Municipal Code Title VIII, Chapter 2, Article 21 Sign Regulations and permits shall be obtained through the Development Service Center.

- A-3 The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
- A-4 The development will be subject to Citywide Development Impact Fees. These fees include fees for fire protection, capital facilities, and traffic impacts. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees shall be collected prior to building permit issuance or prior to issuance of the Zoning Administrator Permit Certificate if no building permit is required or sought.

Ongoing Conditions:

- A-5 Sales transactions, display and storage of vehicles for sale shall be located entirely indoors and within the area specified for its use delineated on Exhibit "A".
- A-6 The operator may display up to one vehicle in the building. The vehicle shall be provided a standard size parking stall, not less than nine feet by nineteen feet.
- A-7 The area adjacent to the designated display area for the sale of vehicle and the roll-up garage door must be maintained for the purpose of ingress and egress.
- A-8 The sales of commercial related vehicles, vehicles exceeding one and one-half ton capacity, or motor homes and recreational vehicles shall be prohibited.
- A-9 No automotive retail sales or its related appurtenances (such as "for sale" signs, price marking on vehicles and banners) shall be allowed outside the building. The proposed automotive retail sales business shall be limited to the area inside the facility, as delineated on Exhibit "A".
- A-10 All automotive sales shall be made by an appointment basis only; no auctions or outdoor-related sales shall be allowed.
- A-11 The applicant shall meet all requirements in the current California Building, Fire Codes and Fremont Ordinances in effect at the time of occupancy. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit / business license application.
- A-12 The applicant shall not have vehicle(s) located indoors except when the batteries are disconnected, fuel in fuel tanks do not exceed one-quarter or five gallons, fuel tanks and fill openings are closed and sealed to prevent tampering and the vehicle can not be fueled or de-fueled within the building.

- A-13 The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont, CA, phone # 510-494-4200.
- A-14 Building address is to be plainly legible and visible from the public street. These numbers shall contrast with their background.
- A-15 Interior tenant improvements, if any, shall be subject to review and approval by the City's Building Department.
- A-16 The tenant shall not provide automotive repair, bodywork or a car wash within the facility. This use permit allows indoor automotive sales only.
- A-17 The hours of operations shall be limited to 8:00 a.m. to 8:00 p.m. seven days a week, but only by appointment.
- A-18 Municipal solid waste (MSW) collection service is required for all occupied properties, and is provided by Allied Waste Services (AWS) on an exclusive franchise basis. All commercial garbage service containers, including compactors, must be serviced at least once a week.

Modification and Revocation of Use Permit:

- A-19 This Zoning Administrator Permit is subject to modification or revocation by the Zoning Administrator or City Council at such time as any of the following conditions are found to exist:
- a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
 - c. The use had resulted in a substantial adverse impact on public facilities or services.

END OF CONDITIONS